

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RU HOGAN,

Plaintiff,

v.

CITY OF ROCKLIN, and DOES 1
THROUGH 100,

Defendants.

No. 2:24-cv-03566-JAM-SCR

**ORDER GRANTING DEFENDANT'S
MOTION TO DISQUALIFY PLAINTIFF'S
COUNSEL**

Before the Court is City of Rocklin's ("Defendant") motion to disqualify Ru Hogan's ("Plaintiff") counsel, Thomas Hogan. See Mot., ECF No. 14. Plaintiff has failed to file a timely opposition to Defendant's motion. Pursuant to Local Rule 230(c), the Court construes Plaintiff's failure to oppose as a non-opposition to the motion.

The Court finds Defendant's motion meritorious. California Rule of Professional Conduct 3.7(a) provides, "A lawyer shall not act as an advocate in a trial in which the lawyer is likely to be a witness unless: (1) the lawyer's testimony relates to an uncontested issue or matter; (2) the lawyer's testimony relates to the nature and value of legal services rendered in the case; or (3) the lawyer has obtained informed written consent from the client." Cal. R. Prof. Conduct 3.7(a). As Defendant explains,

1 Mr. Hogan is Plaintiff's husband and therefore is intricately
2 involved in the events underlying this action. See Mot. at 10.
3 For example, Mr. Hogan interacted with neighbors who complained
4 about the hens, appealed Defendant's administrative citations,
5 and personally endeavored to modify the chicken-coop so that it
6 complied with local code. See id. Because Mr. Hogan is at the
7 center of this controversy, he likely would be deposed or called
8 to testify at trial. If he testifies, Mr. Hogan would seemingly
9 not be testifying about uncontested issues, and he certainly
10 would not be speaking to his legal services. Moreover, Mr. Hogan
11 has not presented any evidence that he obtained informed written
12 consent from Plaintiff. As such, the Court finds that Mr.
13 Hogan's continued representation of Plaintiff is improper.
14 Plaintiff presents no evidence or caselaw indicating that
15 disqualification is improper.

16 Accordingly, the Court GRANTS Defendant's motion and
17 DISQUALIFIES Thomas Hogan from representing Plaintiff Ru Hogan in
18 this action. The case is hereby STAYED. Plaintiff has thirty
19 (30) days to find new counsel. If Plaintiff fails to obtain new
20 counsel within 30 days, then this case will be reassigned to a
21 Magistrate Judge in accordance with local Rule 302(c)(21).

22 IT IS SO ORDERED.

23 Dated: March 4, 2025

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26 JOHN A. MENDEZ
27 SENIOR UNITED STATES DISTRICT JUDGE
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